

# SENATE BILL 828

R2

2lr1448

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By: **Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Jacobs, Reilly, Shank, and Stone**

Introduced and read first time: February 3, 2012

Assigned to: Finance and Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Fixing or Revising Tolls – Legislative**  
3 **Approval Required**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from fixing or  
5 revising a toll on any part of any transportation facilities project unless the  
6 General Assembly approves the toll through legislation; prohibiting the  
7 Authority from charging and collecting a toll that exceeds a certain toll in effect  
8 on or before a certain date unless the toll is approved by the General Assembly  
9 in accordance with this Act; making a technical change; and generally relating  
10 to tolls for the use of transportation facilities projects under the jurisdiction of  
11 the Maryland Transportation Authority.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 4–312  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 4–312.

21 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
22 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may  
23 continue to be charged on the John F. Kennedy Memorial Highway and any project  
24 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)  
25 of Chapter 608 of the Acts of the General Assembly of 1976.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) [As] EXCEPT WITH RESPECT TO TOLLS, AS to all or any part of  
2 any transportation facilities project, the Authority may:

3                   (i) Fix, revise, charge, and collect rentals, rates, fees, [tolls,]  
4 and other charges and revenues for its use or for its services; and

5                   (ii) Contract with any person who desires its use for any  
6 purpose and fix the terms, conditions, rentals, rates, fees, [tolls,] or other charges or  
7 revenues for this use.

8                   **(3) (I) THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON**  
9 **ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE**  
10 **GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION.**

11                   **(II) UNLESS APPROVED IN ACCORDANCE WITH**  
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY MAY NOT CHARGE**  
13 **AND COLLECT A TOLL ON ANY PART OF ANY TRANSPORTATION FACILITIES**  
14 **PROJECT IN AN AMOUNT THAT EXCEEDS THE AMOUNT OF THE TOLL IN EFFECT**  
15 **ON OR BEFORE OCTOBER 1, 2011.**

16           (b) The rentals, rates, fees, tolls, and other charges and revenues designated  
17 as security for any bonds issued under this subtitle shall be fixed and adjusted from  
18 time to time, either with respect to a particular transportation facilities project or in  
19 respect of the aggregate of the charges and revenues from other transportation  
20 facilities projects under the control of the Authority, as may be specified by law or in  
21 any applicable resolution or trust agreement, so as to provide funds that, together  
22 with any other available revenues, are sufficient as long as the bonds are outstanding  
23 and unpaid to:

24                   (1) Pay the costs of maintaining, repairing, and operating the  
25 transportation facilities project or projects financed in whole or in part by one or more  
26 series of outstanding and unpaid bonds, to the extent that payment is not otherwise  
27 provided;

28                   (2) Pay the principal of and the interest on these bonds as they become  
29 due and payable;

30                   (3) Create reasonable reserves that are anticipated will be needed for  
31 these purposes; and

32                   (4) Provide funds for paying the cost of replacements, renewals, and  
33 improvements.

34           (c) (1) Except as otherwise provided in this [subsection] SECTION, the  
35 rentals, rates, fees, tolls, and other charges and revenues are not subject to

1 supervision or regulation by any instrumentality, agency, or unit of this State or any  
2 of its political subdivisions.

3 (2) This subtitle does not permit the exercise of any power or the  
4 undertaking of any activity that would conflict with the provisions and limitations of  
5 the federal Urban Mass Transportation Act of 1964.

6 (3) Tolls for the use of the bridge carrying the John F. Kennedy  
7 Memorial Highway over the Susquehanna River may not be less than the comparable  
8 tolls charged for the use of the Susquehanna River Bridge.

9 (4) Prior to [fixing or revising tolls] **SUBMITTING TO THE GENERAL**  
10 **ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part  
11 of any transportation facilities project, the Authority shall provide, in accordance with  
12 § 2-1246 of the State Government Article, to the Senate Budget and Taxation  
13 Committee, Senate Finance Committee, House Appropriations Committee, and House  
14 Ways and Means Committee information on the proposed toll charges, including:

15 (i) The annual revenues generated by the toll charges;

16 (ii) The proposed use of the revenues; and

17 (iii) The proposed commuter discount rates.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 June 1, 2012.